

REMARKS

Favorable reconsideration is respectfully requested.

The claims are 1-8. Claims 1 and 4 are currently amended. The amendments to claims 1 and 4 are editorial and self-explanatory.

No new matter is added.

Claim Rejections - 35 U.S.C. §112, Second Paragraph

Claim 4 is rejected under 35 U.S.C. §112, second paragraph as being indefinite. Claim 4 is currently amended to address this rejection.

Claim Rejections - 35 U.S.C. §102

Claims 1-8 are rejected under 35 U.S.C. §102 as being anticipated by Miura et al. (U.S. Publication No. 2003/0124432).

Applicants respectfully traverse this rejection.

This rejection is made under 35 U.S.C. §102(b) in the Official Action. However, the present application was filed on June 17, 2004 as International Application No. PCT/JP2004/008834. Accordingly, the present application has an effective filing date of June 17, 2004. See 35 U.S.C. §363. The publication date of Miura et al. is July 3, 2003. Therefore, Miura et al. should have been cited under 35 U.S.C. §102(a) and not §102(b).

Applicants further note that the present application claims priority to JP 2003-175350, filed June 19, 2003 which supports the present claims. A certified English translation of JP 2003-175350 is here attached.

Therefore, Miura et al. is only now available as prior art under 35 U.S.C. §102(e).

However, Miura et al. and the invention of the present application were subject to an obligation of Assignment to the same entity at the time that the present invention was made. Therefore, Miura et al. cannot be cited under 35 U.S.C. §103. See 35 U.S.C. §103(c).

Further, the present invention is directed to a polymer electrolyte composition comprising a crosslinked material, an electrolyte solution comprising an aprotic organic solvent, an additive,

and an electrolyte salt compound. See claim 1. The present invention is further directed to a battery which comprises the inventive polymer electrolyte composition.

The use of an aprotic organic solvent is not mentioned in Miura et al. This is because the electrolyte composition of Miura et al. is generally a solid. Accordingly, each and every feature of the presently claimed invention is not disclosed or suggested by Miura et al. Therefore, any rejection under 35 U.S.C. §102 or §103 is untenable.

No further issues remaining, allowance of this application is respectfully requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact undersigned at the telephone number below.

Respectfully submitted,

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